

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GABRIEL MATTHEW GUILLEN,
Plaintiff,
v.
TYLER SCHLEICHER, et al.,
Defendants.

Case No. 1:23-cv-01722-KES-SAB

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
ACTION WITHOUT PREJUDICE

Doc. 25

Plaintiff is proceeding pro se and in forma pauperis in this action filed pursuant to 42 U.S.C. § 1983. The matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On December 9, 2024, the assigned magistrate judge screened plaintiff's second amended complaint, found that it stated a cognizable claim, and ordered plaintiff to complete service documents within thirty days. Doc. 23. Plaintiff failed to comply with the December 9, 2024 order. On January 21, 2025, the magistrate judge issued an order ordering plaintiff to show cause in writing, within fourteen days, why this matter should not be dismissed for failure to prosecute and failure to follow a court order. Doc. 24. The magistrate judge advised plaintiff that failure to respond to the order would result in the recommendation of this action being dismissed for failure to comply with a court order and failure to prosecute. *Id.* at 2. Plaintiff failed to comply with the January 21, 2025 order to show cause.

1 On February 10, 2025, the magistrate judge issued findings and recommendations
2 recommending that this action be dismissed without prejudice for failure to prosecute and failure
3 to comply with a court order. Doc. 25. The findings and recommendations were served on
4 plaintiff and contained notice that any objections were to be filed within fourteen (14) days after
5 service. *Id.* at 4. Plaintiff did not file objections, and the time to do so has passed.

6 In accordance with the provisions of 28 U.S.C. § 636(b)(1), this Court has conducted a de
7 novo review of this case. Having carefully reviewed the file, the Court finds the findings and
8 recommendations to be supported by the record and by proper analysis.

9 Accordingly, IT IS ORDERED that:

- 10 1. The findings and recommendations issued February 10, 2025, Doc. 25, are
11 ADOPTED IN FULL;
12 2. This matter is DISMISSED without prejudice for failure to prosecute and failure to
13 comply with a court order; and
14 3. The Clerk of the Court is directed to CLOSE this case.

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17 IT IS SO ORDERED.

18 Dated: March 24, 2025


UNITED STATES DISTRICT JUDGE